

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JARRITOS, INC.,

No. C-05-2380 JSW (EMC)

Plaintiff,

v.

**ORDER FINDING MOOT PLAINTIFF'S
MOTION FOR ADDITIONAL
DEPOSITIONS**

LOS JARRITOS, *et al.*,

(Docket No. 100)

Defendants.

On December 5, 2006, the Court held a conference call on Plaintiff's motion for additional depositions. The Court concluded that five depositions had been taken by Plaintiff so that it is entitled to take five more depositions under the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 30(a)(2) (providing for ten depositions). Two of the remaining five depositions have already been noticed (*i.e.*, Dipietro & Shea and Mission Economic). Therefore, Plaintiff may notice an additional three depositions. Plaintiff represented that, given the Court's method of counting depositions, it would not need additional depositions beyond the ten permitted under the Federal Rules. Accordingly, Plaintiff's motion for additional depositions is moot.

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1 Although not raised by Plaintiff in its motion, the Court takes note that it shall not bar
2 Defendants from taking one additional deposition given that it gave the benefit of the doubt to
3 Plaintiff in counting the number of depositions that had been taken by Plaintiff.

4 This order disposes of Docket No. 100.

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6 IT IS SO ORDERED.

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8 Dated: December 5, 2006



EDWARD M. CHEN
United States Magistrate Judge